

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In Re:

JOSÉ HIRAM RIOS TRIAS

Debtor

Case No.: 08-05716 (ESL)

Chapter 13

**TRUSTEE'S POSITION IN REGARDS TO DEBTOR'S MOTION
REQUESTING THE RECONSIDERATION OF THE ORDER DISMISSING THE CASE,
DOCKET No. 41**

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Standing Chapter 13 Trustee (hereinafter, the "Trustee"), through the undersigned attorney, and very respectfully alleges and prays:

1. On May 12, 2010, the Trustee filed a Motion to Dismiss because Debtor had incurred in arrears in his plan payments. Docket No 38.

2. On June 18, 2010, this Honorable Court entered an Order dismissing the present case. Docket No. 39

3. On June 25, 2010, Debtor filed a motion requesting the reconsideration of the dismissal order. Docket No. 41 On said motion Debtor alleged he had partially cured the arrears.

4. The Trustee has reviewed Debtor's payment history and hereby informs this Honorable Court that regardless of the fact that Debtor made a payment after the case was dismissed; Debtor is still 3 payments, or \$900.00, in arrears with the Trustee. An updated copy of Debtor's payment history has been attached to this document for the Court to review and consider.

5. In light of the aforementioned, it is the Trustee's position that unless Debtor becomes current with his plan payments; the case should remain dismissed and be closed.

WHEREFORE, the Trustee most respectfully requests this Honorable Court to deny Debtor's Motion Requesting the Reconsideration of the Order Dismissing the Case, Docket No. 41.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee certifies a copy of this motion has been served by regular U.S. Mail on this same date to: the DEBTOR(s) and her/his/their attorney and all Creditors and Parties in Interest to their respective addresses of record as they appear in the attached master address list to the address of record, if any are not registered CM/ECF system participants.

In San Juan, Puerto Rico, this **30th** day of June, 2010.

/S/ Nannette M. Godreau Vázquez

Staff Attorney

USDC-PR No. 227310

JOSÉ R. CARRIÓN-MORALES

CHAPTER 13 TRUSTEE

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Payment Plan:	\$350	x 7	= \$2,450.00
	\$0.00	x 3	= \$0.00
	\$300.00	x 50	= \$15,000.00 (* Debtor is in month 11 of this period)

TOTAL: \$17,450.00

Debtor should have paid up to the month of May, 2010 (Month 21): \$5,750.00

Total paid in up until today: \$4,850.00

Total delinquent amount: \$900.00 = 3 payments.

Period	Date (Month/Year)	Payment Due	Payment Received	Deferred Amount	Amount Due
1	9/2008	\$350.00	\$350.00		\$0.00
2	10/2008	\$350.00	\$350.00		\$0.00
3	11/2008	\$350.00			\$350.00
4	12/2008	\$350.00	\$350.00		\$350.00
5	1/2009	\$350.00	\$350.00		\$350.00
6	2/2009	\$350.00	\$350.00		\$350.00
7	3/2009	\$350.00	\$350.00		\$350.00
8	4/2009	\$0.00			\$350.00
9	5/2009	\$0.00	\$350.00		\$0.00
10	6/2009	\$0.00			\$0.00
11	7/2009	\$300.00			\$300.00
12	8/2009	\$300.00	\$350.00		\$250.00
13	9/2009	\$300.00			\$550.00
14	10/2009	\$300.00			\$850.00
15	11/2009	\$300.00			\$1,150.00
16	12/2009	\$300.00	\$1,150.00		\$300.00
17	1/2010	\$300.00			\$600.00
18	2/2010	\$300.00			\$900.00
19	3/2010	\$300.00			\$1,200.00
20	4/2010	\$300.00			\$1,500.00
21	5/2010	\$300.00	\$300.00		\$1,500.00
22	6/2010	Not due yet	\$600.00		\$900.00

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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DATED: June 30, 2010

ROSA QUIÑONES

OFFICE OF THE CHAPTER 13 TRUSTEE